

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: November 12, 2002
FROM: KATHLEEN ROLLINGS-McDONALD, Deputy Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #7: LAFCO SC#188 -- City of Chino Irrevocable Agreement to Annex for Sewer Service (Tract 16108 – Young Homes)

SUBMITTED BY:

City of Chino, on behalf of property owner

RECOMMENDATION:

- 1) For environmental review, take the following actions:
 - a. Certify the Commission has reviewed and considered the environmental assessment and Negative Declaration prepared by the County of San Bernardino for the General Plan Amendment and Tentative Tract 16108 for the 33-lot development on 18.74 acres, and has found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives for this project, that all mitigation measures are the responsibility of the County of San Bernardino, not the Commission, and are self-mitigating through implementation of the adopted Conditions of Approval for the project; and,
 - c. Direct the Clerk to file the Notice of Determination within five working days.
- 2) Approve SC#188 authorizing the City of Chino to extend sewer service outside its boundaries to Tentative Tract No. 16108, a 33-lot residential subdivision, proposed for Assessor Parcel Numbers 1013-291-06, 1013-291-07, and 1013-511-01;

- 3) Adopt LAFCO Resolution #2760 setting forth the Commission's findings, determinations and approval for the extension of sewer service outside the City of Chino's boundaries.

BACKGROUND INFORMATION:

The City of Chino has submitted an application for authorization to provide sewer service outside its corporate boundaries as permitted by Government Code Section 56133. The City has submitted this proposal in response to an application for sewer service by the developer of Tentative Tract 16108, Tract 16108 LLC, a California Limited Liability Corporation (Young Homes of California). The project is planned for development of 33 single-family residences on 18.74 acres in a gated community. The project area is generally located on the east side of East End Avenue, between Francis Avenue and Philadelphia Street, in the northwestern City of Chino sphere of influence. Attachment 1 to this report provides a vicinity map showing the general location of the study area, and a map delineating the tract configuration. At the present time, the parcels to be served are identified as Assessor Parcel Numbers 1013-291-06, 1013-291-07, and 1013-511-01 and are all vacant lands.

The County of San Bernardino Land Use Services Department has processed the following approvals for the contract area: (1) a General Plan Amendment from RS-1 to Single Residential on 20,000 square foot minimum lot sizes on 10 acres; and (2) Tentative Tract 16108 which proposes 33 residential lots within a gated community. The Conditions of Approval placed upon this project include the requirement for connection to the City of Chino sewer system. The City's sewer lines are located to the south of the proposed tract development within Philadelphia Street. The proposed contract would require the developers of the project to extend an 8-inch sewer main easterly within Philadelphia Street, approximately 656 feet, to the center line of Humboldt Avenue, then northerly within the proposed extension of Humboldt Avenue (approximately 660 feet), then westerly into the tract (streets are identified as Loyola Court, Briar Rose Lane, Savona Court, and Dewcrest Court).

The City of Chino has coordinated with the County's Land Use Services Department on the review of the development project. The extension of service through the proposed agreement includes the payment of fees for hook-up to the City's sewer system. According to the developer's representative, these fees are calculated as follows:

Residential Sewage Development Fee (\$3,740 per unit)	\$123,420
Collection Fee (\$942 per acre)	\$ 17,653
Administrative Fee (12% of total charges)	\$ 16,929
TOTAL	\$158,002

The application indicates that the developer will be required to extend the necessary infrastructure at his expense (current estimate \$120,000). In addition, the developer of the project is aware that the provision of sewer service outside the City limits results in a monthly charge double the in-city rate. Future homeowners will be obligated to pay that higher rate until the area is annexed.

Authorization for this extension of service by the Commission is required before the City of Chino can take the final actions to implement the agreement. As indicated, the provisions of the agreement will apply to the developer and all future property owners of the proposed 33 lots. In order for this development project to proceed to record the final tract map, etc., the developers must show proof of their ability to connect to the City of Chino's sewer infrastructure (County Conditions of Approval, Item #15, #16, #17, #87 and #88), which will be the recorded agreement with the City Council.

The staff has reviewed this application against the criteria established by Commission policy and Government Code Section 56133. The area is within the sphere of influence assigned the City of Chino, and is anticipated to become a part of that City sometime in the future. The City and Developer will enter into an Irrevocable Agreement to Annex that specifies the requirements of both parties regarding a future annexation and the extension of service. The area has been zoned for residential uses by both the City of Chino General Plan and the County's General Plan.

On this basis, the staff supports the City's request to provide sewer service by contract to the proposed residential development since its facilities are located near the anticipated development, and there is no other existing entity available to provide the level of service required by the tentative tract within the area.

FINDINGS:

1. The Tentative Tract and General Plan Amendment provide for a 33-lot subdivision. The tentative tract approval included within the final "Conditions of Approval" the requirement that the project receive sewer service from the City of Chino.

2. The service contract being considered is for the provision of sewer service to a 33-lot, single-family residential gated community from the City of Chino to fulfill the Conditions of Approval imposed by the County. This contract will remain in force for the future property owners of these anticipated parcels in perpetuity, or until such time as the area is annexed. The approval of this application will allow the property owner and City of Chino to proceed to finalize the contract for the extension of sewer service.
3. In January of 2002, acting as the CEQA lead agency, the County prepared an environmental assessment for the Tentative Tract and the General Plan Amendment for the overall development and adopted a Negative Declaration. The initial study prepared indicates that the project would not have a significant effect upon the environment through its development under the Conditions of Approval imposed by the County of San Bernardino.

LAFCO Environmental Consultant, Tom Dodson and Associates, has provided a review of the County's Initial Study and Negative Declaration issued for this Tentative Tract and General Plan Amendment. Mr. Dodson's analysis has indicated that the County's Initial Study and Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this development, as these are the responsibility of the County and are self-mitigating through the Conditions of Approval. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

KRM:

Attachments:

1. Maps: Vicinity map and tentative tract map
2. City application and Draft Irrevocable Agreement to Annex
3. County Conditions of Approval for Tentative Tract/General Plan Amendment
4. Tom Dodson and Associates response and County's environmental analysis of tentative tract and general plan amendment
5. Draft Resolution #2760